

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re XM SATELLITE COPYRIGHT LITIGATION	:	MASTER DOCKET
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	:	06 CV 3733 (LAK)
This Document Relates to: All Cases	:	
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**DEFENDANT'S RESPONSE TO PLAINTIFFS'  
REQUEST FOR A COURT CONFERENCE**

Defendant XM Satellite Radio Inc. ("XM") respectfully responds to plaintiffs' request in the above-captioned cases for a conference regarding XM's document production.

At the September 24, 2007 status conference, we explained the difficulties XM faced in terms of the magnitude of its production, particularly given the scope and breadth of plaintiffs' document requests, and requested seven and one-half months to produce documents. Although plaintiffs were well of aware of these issues, they asked the Court to set a far more aggressive schedule. While not adopting plaintiffs' position outright, the Court agreed to allow only six months for document production. Since that conference, XM has expended tremendous resources to comply with the Court's April 1, 2008 deadline. While XM has encountered substantial issues in connection with the document production process – some anticipated and some unanticipated – as of today, XM expects to meet the Court's April 1 deadline.

As the plaintiffs predicted, we think it is appropriate to consider the pace of the Famous plaintiffs' document production when considering XM's efforts. Our document requests were served on the Famous plaintiffs more than six months ago. The Famous plaintiffs say they will complete their production of hard copy documents this week. They have yet to produce any electronic documents – and they concede that their production is "minuscule" compared to XM's.

The Atlantic Recording plaintiffs have not produced any documents to date and the Nota plaintiffs have produced a total of 136 pages.

As plaintiffs' letter indicates, there is no discovery dispute for the Court to resolve. Nor does plaintiffs' letter request any relief, apart from the request for a status conference. That said, if the Court would like additional information concerning XM's document production, we would be prepared to provide that information to the Court at a status conference, or in whatever other manner the Court directs.

Dated: New York, New York  
February 26, 2008

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